

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
(WESTERN DIVISION)

TITAN TIRE CORPORATION OF FREEPORT,)	
)	
Plaintiff/Counterdefendant,)	
)	
V.)	CASE NO. 3:08-cv-50072
)	
UNITED STEELWORKERS OF AMERICA,)	
LOCAL 745L,)	
)	
Defendant/Counterplaintiff.)	

TITAN TIRE CORPORATION OF FREEPORT'S ANSWER TO COUNTERCLAIM
OF DEFENDANT UNITED STEELWORKERS LOCAL 745L

Titan Tire Corporation of Freeport ("Titan Tire"), by Howard & Howard Attorneys, P.C., answers the counterclaim in this matter as follows:

1. Local 745L is a labor organization within the meaning of Section 152(5) of the Labor Management Relations Act, 29 U.S.C. § 152(5). Local 745L is a local union of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC ("the USW"). Local 745L represents members in this judicial district at the Titan Tire plant in Freeport, Illinois.

Answer: Admit.

2. Titan Tire is an employer engaged in commerce within the meaning the LMRA, 29 U.S.C. § 152(2) and 152(7) within this judicial district.

Answer: Admit.

3. The USW, Local 745L and Titan Tire are subject to a collective bargaining agreement. This agreement is attached to Titan Tire's Motion to Vacate in this case as Exhibit 1. Local 745L of the USW and Titan Tire are also subject to several collective bargaining agreements which bear on the subject of health benefits and insurance. Those agreements are attached to Titan Tire's Motion to Vacate as Exhibit 2.

Answer: Admit.

4. The main collective bargaining agreement contains a grievance procedure for the resolution of controversies between the parties. The agreements regarding health insurance and benefits also have a grievance procedure which is hooked in with the grievance procedure in the main collective bargaining agreement. The grievance procedure in the main agreement culminates in final and binding arbitration.

Answer: Admit, but affirmatively state this court has the power to review the arbitration award at issue under the Federal Arbitration Act.

5. Pursuant to this grievance procedure, Arbitrator Ellen Alexander rendered a final and binding award that is attached as Exhibit 3 to the Motion to Vacate in this case.

Answer: Admit, but affirmatively state this court has the power to review the arbitration award at issue under the Federal Arbitration Act.

6. The award of Arbitrator Alexander was within her authority under the terms of the collective bargaining agreement.

Answer: Deny, for the reasons alleged in the Complaint.

7. The award of Arbitrator Alexander draws its essence from the terms of the applicable collective bargaining agreements.

Answer: Deny, for the reasons alleged in the Complaint.

8. Titan Tire has refused to follow the arbitration award.

Answer: Admit.

Wherefore, Titan prays the court dismiss the counterclaim and award such other relief as may be just.

Respectfully submitted,

Titan Tire Corporation of Freeport

/s/ Michael R. Lied

Michael R. Lied
Howard & Howard
One Technology Plaza, Ste. 600
211 Fulton Street
Peoria, IL 61602-1350
Telephone: (309) 672-1483
Facsimile: (309) 672-1568
E-mail: MLied@howardandhoward.com

Howard & Howard
Law for business

One North Main
Suite 300
61 North Main Street
Ann Arbor, MI 48104-1475
Tel: 734.222.1483
Fax: 734.761.5957

The Pinchurst Office Center
Suite 101
9400 Woodward Avenue
Greenfield Hills, MI 48304-5151
Tel: 248.645.1483
Fax: 248.645.1568

The Comerica Building
Suite 900
51 South Rose Street
Kalamazoo, MI 49007-4718
Tel: 269.382.1483
Fax: 269.382.1568

The Wells Fargo Tower
Suite 1400
940 Howard Hughes Parkway
Las Vegas, NV 89169-5914
Tel: 702.257.1483
Fax: 702.567.1568

One Technology Plaza
Suite 600
211 Fulton Street
Peoria, IL 61602-1350
Tel: 309.672.1483
Fax: 309.672.1568

CERTIFICATE OF SERVICE

The undersigned caused a copy of the foregoing document to be served on all persons on May 19, 2008 as follows:

Howard & Howard
Law for business®

One North Main
Suite 300
301 North Main Street
Ann Arbor, MI 48104-1475
Tel: 734.222.1483
Fax: 734.761.5957

One Ponchartré Office Center
Suite 101
5900 Woodward Avenue
Bloomfield Hills, MI 48304-5151
Tel: 248.645.1483
Fax: 248.645.1568

One Comerica Building
Suite 800
151 South Rose Street
Ann Arbor, MI 49007-4718
Tel: 269.382.1483
Fax: 269.382.1568

One Wells Fargo Tower
Suite 1400
500 Howard Hughes Parkway
Las Vegas, NV 89169-5914
Tel: 702.257.1483
Fax: 702.567.1568

One Technology Plaza
Suite 600
211 Fulton Street
Peoria, IL 61602-1350
Tel: 309.672.1483
Fax: 309.672.1568

Stephen A. Yokich
Cornfield and Feldman
Suite 1400
25 East Washington Street
Chicago, IL 60602-1803 (via
facsimile 312-236-6686 and email:
syokich@cornfieldandfeldman.com)

Under penalties as provided by law, the undersigned certifies that the statements set forth in this Certificate of Service are true and accurate.

/s/ Michael R. Lied

Michael R. Lied
Howard & Howard
One Technology Plaza, Ste. 600
211 Fulton Street
Peoria, IL 61602-1350
Telephone: (309) 672-1482
Facsimile: (309) 672-1568
E-mail: MLied@howardandhoward.com